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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,165	01/20/2004	Xiaofeng Gao	BS02-209-CON	6640
38823	7590	09/22/2005	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/ BELLSOUTH I.P. CORP 100 GALLERIA PARKWAY SUITE 1750 ATLANTA, GA 30339			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/759,165	Applicant(s) GAO ET AL.	
	Examiner Gerald Gauthier	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/6/04, 8/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary Amendment

1. This action is in response to applicant's preliminary amendment filed on February 6, 2004.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on February 6, 2004 and August 26, 2005 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claim(s) 21-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zafar et al. (US 2004/0076272 A1) in view of Myers (US 2003/0131143 A1).

Regarding **claim(s) 21**, Zafar discloses a method for notification of messages (FIG. 1 and paragraph 0004) comprising:

receiving a notification from a first message server by an enhanced notification server, wherein the notification comprises attributes associated with an incoming message intended for a subscriber of the first message server and a first identification associating the subscriber with the first message server (FIG. 7 and paragraph 0075);

upon receiving the notification, mapping the first identification to a second identification that associates the subscriber with a communications device of a second message server, wherein the mapping is performed by the enhanced notification server (FIG. 7 and paragraph 0076); and

forwarding the notification by the enhance notification server to the communications device if the second message server indicates that the communications device is available (FIG. 7 and paragraph 0076).

Zafar discloses sending a notification message via an instant message to the called party but fails to disclose determining availability of the communications device.

However, Myers teaches querying the second message server by the enhanced notification server, using the second identification, to determine availability of the communications device (FIG. 1 and paragraph 0027).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Zafar using the instant messaging notification handler as taught by Myers.

This modification of the invention enables the system to determine availability of the communications device so that the user would benefit for a real time notification of the message received.

Regarding **claim(s) 22 and 29**, Zafar discloses a method, further comprising queuing the notification at the enhanced notification server for a later delivery if the communications device is not available (FIG. 1 and paragraph 0076).

Regarding **claim(s) 23 and 31**, Zafar discloses a method, further comprising attaching the incoming message to the notification (FIG. 1 and paragraph 0076).

Regarding **claim(s) 24 and 33**, Zafar discloses a method, wherein the first message server is a voicemail server (FIG. 1 and paragraph 0075).

Regarding **claim(s) 25**, Zafar discloses a method, wherein the attributes comprise one or more of an identity of a sender of the incoming message, a date of the incoming message, a time of the incoming message, and a size of the incoming message (FIG. 1 and paragraph 0066).

Regarding **claim(s) 26 and 35**, Zafar discloses a method, wherein the second message server is an instant messaging presence server (FIG. 1 and paragraph 0076).

Regarding **claim(s) 27**, Zafar discloses a method, wherein the communications device is an instant messaging client (FIG. 1 and paragraph 0076).

Regarding **claim(s) 28 and 36**, Zafar in combination with Myers describe all the limitations of **claim(s) 28 and 36** as stated in **claim(s) 1'** s rejection and furthermore Zafar discloses a first message server (408 on FIG. 4), an enhanced notification server (415 on FIG. 4) and a second message server (404 on FIG. 4).

Regarding **claim(s) 30**, Zafar discloses a system, wherein communications between the first message server and the enhanced notification server involves an IP networks (FIG. 1 and paragraph 0062).

Regarding **claim(s) 32**, Zafar discloses a system, wherein communications between the enhanced notification server and the second message server involves an IP network (FIG. 1 and paragraph 0062).

Regarding **claim(s) 34**, Zafar discloses a system, wherein the first message server comprises a profile for each of its subscribers regarding how notification of incoming messages should be performed (FIG. 1 and paragraph 0064).

Regarding **claim(s) 37**, Zafar discloses an enhanced notification server, wherein the notification relates to a receipt of an incoming message at the first message server (FIG. 1 and paragraph 0075).

Regarding **claim(s) 38**, Zafar discloses an enhanced notification server of claim 36, wherein the microprocessor is further configured to query the communications device whether the incoming message should be forwarded (FIG. 1 and paragraph 0076).

Regarding **claim(s) 39**, Zafar discloses an enhanced notification server, wherein the microprocessor is further configured to retrieve the incoming message from the first message server (FIG. 1 and paragraph 0076).

Regarding **claim(s) 40**, Zafar discloses an enhanced notification server, wherein the microprocessor is further configured to forward the incoming message to the communications device (FIG. 1 and paragraph 0076).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

g.g.
September 15, 2005